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June 25, 2001

The Honorable Patrick Leahy  
United States Senator  
Senate Judiciary Committee  
433 Russell Senate Office Building  
United States Senate  
Washington, D.C. 20510

Re: Nomination of John G. Roberts, Jr.

Dear Senator Leahy:

We write to support the nomination of John Roberts to the United States Court of Appeals for the District of Columbia Circuit. Each of us served with Mr. Roberts in the Office of the Solicitor General during the time that he was Deputy Solicitor General. Although we are of diverse political parties and persuasions, each of us is firmly convinced that Mr. Roberts would be a truly superb addition to the federal court of appeals.

As the Committee will doubtless hear from many quarters, John is an incomparable appellate lawyer. Indeed, it is fair to say that he is one of the foremost appellate lawyers in the country. But we know him best in his capacity as Deputy Solicitor General – and in that capacity, he served his country and the Office of the Solicitor General with great distinction. The Office then, as now, comprised lawyers of every political affiliation – Democrats, Republicans, and Independents. Mr. Roberts was attentive to and respectful of all views, and he represented the United States zealously but fairly. He had the deepest respect for legal principles and legal precedent – instincts that will serve him well as a court of appeals judge.

In recent days, the suggestion has surfaced in press accounts that Mr. Roberts may be expected to vote in particular cases along the lines intimated in briefs he filed while in the Office of the Solicitor General. As lawyers who served in that Office, we emphatically dispute that assumption. Perhaps uniquely in our society, lawyers are called upon to advance legal arguments

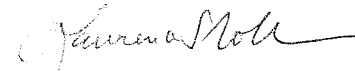
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for clients with whom they may, in their private capacities, disagree. It is not unusual for an individual lawyer to disagree with a client, while at the same time fulfilling the ethical duty to provide zealous representation within the bounds of law. And government lawyers, including those who serve in the Solicitor General's Office, are no different. They too have clients – federal agencies and officers, with a broad and diverse array of policies and interests. Moreover, the Solicitor General, unlike a private lawyer, does not have the option of declining a representation and telling a federal agency to find another lawyer.

We hope the foregoing is of assistance to the Committee in its consideration of Mr. Roberts's nomination. He is a superbly qualified nominee.

Very truly yours,



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\* All references to institutions are for identification purposes only.

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